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and he had been forcibly prevented from entering after purchasing a ticket. The Supreme Court of New York refers to the familiar doctrine that the conducting of a theater is a private enterprise, and that, in the absence of statutory regulation, the proprietor has the right to say who shall enter. Under this doctrine the court states that the agreement to exclude the critic was not an unlawful one, and that if his presence was distasteful or injurious to their business the proprietors had the lawful right to agree to exclude him.

Degree of Care Required in Operating Automobiles.—In *McFern v. Gardner*, 97 Southwestern Reporter, 972, the Supreme Court of Missouri takes the position that a chauffeur in charge of an automobile traveling on a public highway in a populous city should be held to the same degree of care in respect to pedestrians and other vehicles upon the street that a motorman in charge of a street car running on a public street is required to observe. Therefore it is the duty of a chauffeur under such circumstances to keep a vigilant watch ahead for vehicles and pedestrians, and on the first appearance of danger to take proper steps to avert it. The court maintains that as an automobile is of great weight, made very strong, and, in collision with an ordinary vehicle, capable of smashing it without serious damage to the machine itself, the risk of injury to the traveling public by automobiles is as great as, if not greater than, the risk of injury to vehicles and pedestrians traveling on and across streets upon which street cars are operated by electric power.

Charities—What Is a Public Charity.—Money which is transferred to trustees of a permanent fund derived from gifts and bequests, and which is under the exclusive control of such trustees, to be used for paying death benefits and giving charitable assistance to members of a mutual benefit society, membership in which all connected with a certain business are entitled to obtain, is held, in *Minns v. Billings* (Mass.) 5 L. R. A. (N. S.) 696 to be devoted to purposes of public charity, although the benefit is limited to the members of the association.

Charities—Rule against Perpetuities.—An instrument of writing purporting to convey lands to trustees and their successors in perpetual trust to provide a home and school for the maintenance and education of the children of the deceased members of a secret society is held, in *Troutman v. De Boissiere Odd Fellows' Orphans' Home* (Kan.) 5 L. R. A. (N. S.) 692, not to be a gift for purposes of a public charity, and to be void as against the rule prohibiting perpetuities of title in estates. With these cases is a note on the question of gift for the benefit of members of a particular organization as a charity.